

Policy Transmittal Developmental Disabilities Services



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Number: APD-PT-19-024
Issue date: 7/12/2019

Topic: Developmental Disabilities

Due date: upon release

Transmitting (check the box that best applies):

- New policy
 Policy change
 Policy clarification
 Executive letter
 Administrative Rule
 Manual update
 Other:

Applies to (check all that apply):

- | | |
|--|---|
| <input type="checkbox"/> All DHS employees | <input type="checkbox"/> County Mental Health Directors |
| <input type="checkbox"/> Area Agencies on Aging: {Select type} | <input type="checkbox"/> Health Services |
| <input type="checkbox"/> Aging and People with Disabilities | <input checked="" type="checkbox"/> Office of Developmental Disabilities Services (ODDS) |
| <input type="checkbox"/> Self Sufficiency Programs | <input type="checkbox"/> ODDS Children’s Intensive In Home Services |
| <input checked="" type="checkbox"/> County DD program managers | <input checked="" type="checkbox"/> Stabilization and Crisis Unit (SACU) |
| <input checked="" type="checkbox"/> Support Service Brokerage Directors | <input checked="" type="checkbox"/> Other (<i>please specify</i>): ODDS Service Providers |
| <input checked="" type="checkbox"/> ODDS Children’s Residential Services | |
| <input type="checkbox"/> Child Welfare Programs | |

Policy/rule title:	Licensing Conditions when a Death Results in a Protective Services Investigation		
Policy/rule number(s):		Release number:	v1
Effective date:	7/12/19	Expiration date:	upon rule implementation
References:	ORS 409.050; 443.400; 443.735;		
Web address:			

Discussion/interpretation: The Department shall impose conditions on an ODDS-licensed, endorsed, or certified provider when the death of an individual receiving services results in a protective services investigation.

Implementation/transition instructions: The Department shall impose a condition prohibiting new entry or transfer into services or the setting under the provider’s endorsement, setting license, or certification when there is a death of an individual

served by the provider that results in a protective services investigation and the provider was responsible for delivering supports to the individual during the time associated with the individual's death.

A provider or setting may accept a new entry or transfer while the condition of "no new entries or transfers" is in place if the entry or transfer approval is granted by ODDS and the case management entity.

The condition of no new entries or transfers may be removed by the Department:

- Following the protective services investigation determination that abuse or neglect was not a factor in the individual's death; or
- At the discretion of the Department upon satisfactory demonstration by the provider that there are adequate protections in place to prevent or minimize risk of harm to other individuals receiving the same or similar type of services and admission of additional individuals into the setting or services would not negatively impact the provider's ability to safely serve individuals.

A provider may request the Department remove the "no new entries or transfers" condition at any point during an investigation. A provider will be expected to present a compelling case that there are adequate protections in place to prevent or minimize risk of harm to individuals in the home or setting and that the admission of additional individuals in services would not negatively impact the provider's capacity to safely serve individuals. The Department has discretion in determining whether to lift the condition and may deny a provider's request.

A provider has formal hearing rights in accordance with ORS Chapter 183 to appeal the conditions imposed and may request a hearing or administrative review within 21 days of the receipt of the written notice of conditions.

The Department may issue additional conditions in accordance with Oregon Administrative Rule, considering if there are identifiable factors that may have contributed to the situation of alleged harm or neglect of an individual. Consideration will be given to provider's history of compliance, including volume, frequency, and severity of licensing violations and substantiated abuse allegations.

Conditions imposed upon an agency or provider may include the following:

- A restriction on the number of individuals to whom an agency or provider may provide services;
- Restricting the type of services and supports an agency or provider may provide
- Requiring additional staff or staff qualifications
- Requiring additional training for the provider or provider staff
- Restricting the agency or provider from allowing a person on the premises who may be a threat to the health, safety, or welfare of an individual

- Requiring documentation

Applicable Oregon Revised Statute (ORS) and Oregon Administrative Rule (OAR):

[ORS Chapter 183](#)

[ORS Chapter 441.736](#)

[ORS Chapter 443.745](#)

[OAR 411-323-0030\(11\)](#)

[OAR 411-323-0035\(10\)](#)

[OAR 411-325-0060](#)

[OAR 411-346-0150\(17\)](#)

[OAR 411-360-0250](#)

Training/communication plan: This transmittal is to be distributed and shared with staff and ODDS-affiliated providers.

Local/branch action required: Local offices shall be made aware of when the Department has imposed conditions and will not admit individuals into the home where the Department has imposed a "no new admissions" condition.

Central office action required: The Department will identify and communicate when conditions are to be placed upon an agency or provider.

Field/stakeholder review: Yes No

If yes, reviewed by: On the Engagement and Innovations web page

Filing instructions:

If you have any questions about this policy, contact:

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